

Calendar No. 313

105TH CONGRESS
2^D SESSION**S. 1668****[Report No. 105–165]**

To encourage the disclosure to Congress of certain classified and related information.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 23, 1998

Mr. SHELBY, from the Select Committee on Intelligence, reported the following original bill; which was read twice and placed on the calendar

A BILL

To encourage the disclosure to Congress of certain classified and related information.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. ENCOURAGEMENT OF DISCLOSURE OF CER-**
4 **TAIN INFORMATION TO CONGRESS.**

5 (a) ENCOURAGEMENT.—

6 (1) IN GENERAL.—Not later than 30 days after
7 the date of enactment of this Act, the President
8 shall take appropriate actions to inform the employ-

ees of the covered agencies, and employees of contractors carrying out activities under classified contracts with covered agencies, that—

(A) except as provided in paragraph (4), the disclosure of information described in paragraph (2) to the individuals referred to in paragraph (3) is not prohibited by law, executive order, or regulation or otherwise contrary to public policy;

(B) the individuals referred to in paragraph (3) are presumed to have a need to know and to be authorized to receive such information; and

(C) the individuals referred to in paragraph (3) may receive information so disclosed only in their capacity as members of the committees concerned.

(2) COVERED INFORMATION.—Paragraph (1) applies to information, including classified information, that an employee reasonably believes to provide direct and specific evidence of—

(A) a violation of any law, rule, or regulation;

(B) a false statement to Congress on an issue of material fact; or

1 (C) gross mismanagement, a gross waste
2 of funds, a flagrant abuse of authority, or a
3 substantial and specific danger to public health
4 or safety.

5 (3) COVERED INDIVIDUALS.—The individuals to
6 whom information described in paragraph (2) may
7 be disclosed are the members of a committee of Con-
8 gress having as its primary responsibility the over-
9 sight of a department, agency, or element of the
10 Federal Government to which such information re-
11 lates.

12 (4) SCOPE.—Paragraph (1)(A) does not apply
13 to information otherwise described in paragraph (2)
14 if the disclosure of the information is prohibited by
15 Rule 6(e) of the Federal Rules of Criminal Proce-
16 dure.

17 (b) REPORT.—Not later than 60 days after the date
18 of enactment of this Act, the President shall submit to
19 Congress a report on the actions taken under subsection
20 (a).

21 (c) CONSTRUCTION WITH OTHER REPORTING RE-
22 QUIREMENTS.—Nothing in this section may be construed
23 to modify, alter, or otherwise affect any reporting require-
24 ment relating to intelligence activities that arises under

1 the National Security Act of 1947 (50 U.S.C. 401 et seq.)
2 or any other provision of law.

3 (d) COVERED AGENCIES DEFINED.—In this section,
4 the term “covered agencies” means the following:

5 (1) The Central Intelligence Agency.

6 (2) The Defense Intelligence Agency.

7 (3) The National Imagery and Mapping Agen-
8 cy.

9 (4) The National Security Agency.

10 (5) The Federal Bureau of Investigation.

11 (6) Any other Executive agency, or element or
12 unit thereof, determined by the President under sec-
13 tion 2302(a)(2)(C)(ii) of title 5, United States Code,
14 to have as its principal function the conduct of for-
15 eign intelligence or counterintelligence activities.

Calendar No. 313

105TH CONGRESS
2D Session

S. 1668

[Report No. 105-165]

A BILL

To encourage the disclosure to Congress of certain
classified and related information.

FEBRUARY 23, 1998

Reported from the Select Committee on Intelligence, read
twice, and placed on the calendar